

DOC #:
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JAMES BURKE and BRADLEY L. GROW

Plaintiff,

-against-

HESTIA HOLDINGS, LLC, EATERIES, INC. and
FIESTA HOLDINGS, INC.

Defendant.

Index No. 07-9909(HB)

HESTIA HOLDINGS, LLC, EATERIES, INC. and
FIESTA HOLDINGS, INC.

Counterclaimants,

-against-

JAMES BURKE and BRADLEY L. GROW, as the
designated Sellers' Representatives, EATERIES
HOLDINGS, LLC, THE BURKE FAMILY, LLC,
BRADLEY L. GROW, THE GROW FAMILY LLC, THE
BRADLEY L. GROW REVOCABLE TRUST, VINCENT
F. ORZA, PATRICIA L. ORZA, PATRICIA LANDI
ORZA TRUST, ALEXANDRA MARIA ORZA TRUST,
PATRICIA L. ORZA TRUST, VINCENT F. ORZA JR.
TRUST, J.B. EDWARDS, DOUG DAVIS, PHILLIPS,
MCFALL, MCCAFFREY, MCVAY & MURRAH 401K
PROFIT SHARING PLAN, D. KEITH MCFALL, and
BILL TOTTY,

Counterclaim Defendants.

-and against-

RESTAURANT HOLDINGS LLC,

Third-Party Defendant.

STIPULATION AND ORDER

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, with respect to Plaintiffs and Counterclaim Defendants' pending motion for partial dismissal of counterclaims (the "Motion"):

1. Defendants and Counterclaim Plaintiffs shall file any papers in opposition to the Motion on or before February 15, 2008; and
2. Plaintiffs and Counterclaim Defendants shall file any reply papers on or before March 7, 2008.

Dated: New York, NY
January 31, 2008

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*Attorneys for Defendants and Counterclaim
Plaintiffs*

SO ORDERED:

Harold Baer, Jr.

HAROLD BAER, JR.
United States District Judge

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